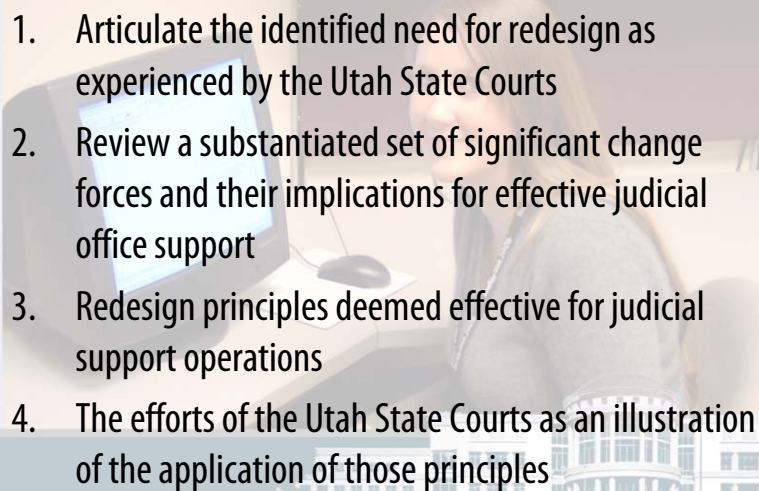# Reinventing Clerical Operations
Service Redesign in the Utah Courts

Presentation Objectives

1. Articulate the identified need for redesign as experienced by the Utah State Courts
2. Review a substantiated set of significant change forces and their implications for effective judicial office support
3. Redesign principles deemed effective for judicial support operations
4. The efforts of the Utah State Courts as an illustration of the application of those principles

Structure of Utah State Courts

Unified statewide system:

- Judicial Council
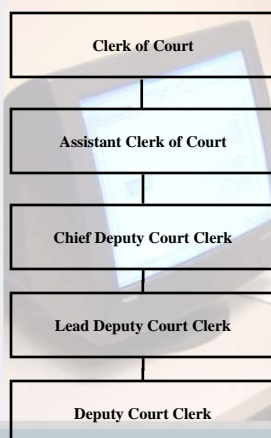- Administrative Office of the Courts
- Four court levels

Court Levels

- Appellate
  - Supreme Court
  - Intermediate court of appeals
- Trial
  - organized into 8 geographical districts
  - District courts of general jurisdiction
  - Juvenile courts

Why study clerical operations?

- Fundamentally unexamined and unchanged for decades
  - Designed for the day of handwritten dockets

- Archaic, hierarchical structure

Why study clerical operations?

| Clerk of Court |
| Assistant Clerk of Court |
| Chief Deputy Court Clerk |
| Lead Deputy Court Clerk |
| Deputy Court Clerk |

Nearly 90% of the clerical workforce are Deputy Court Clerks or Lead Deputy Court Clerks. (Leads are not managerial positions).

Employee satisfaction: the current structure can be experienced as a structure of disincentive:
- *tenure-oriented career track*
- *limited growth opportunities.*

Specialization is relatively common and limits individual employees' growth.

Why study clerical operations?

- Technology
  - Electronic filing
    - Data entry automated
  - Next generation case management system
    - Next action or event automated

Why study clerical operations?

- Demographic trends changing composition of workforce
  - Growing influence of Gen X and Gen Y
  - Loss of knowledge and values of Traditionalists and Boomers
- High turnover rates in first three years of employment

Why study clerical operations?

- Employee satisfaction - key factors identified by retention study and other sources
  - Compensation
  - Stress
  - Lack of career opportunity
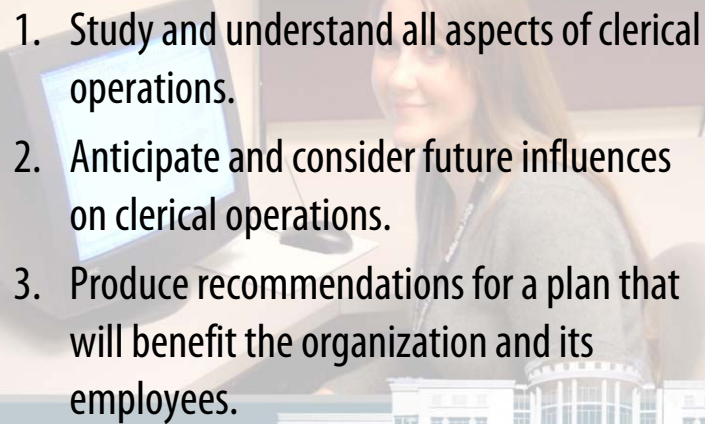 - Workload
  - Lack of training

Committee

- Broad representation by court level
- Mix of rural and urban
- Balance of managers and line clerical staff
- Discard titles and function as co-equals
- No duty to represent district, court level, or other constituency

Committee Charge

1. Study and understand all aspects of clerical operations.

2. Anticipate and consider future influences on clerical operations.

3. Produce recommendations for a plan that will benefit the organization and its employees.

Preparing for the Future
The Significant Influences / Considerations

Influence of Technology

The Advent of Technological Processes
For Judicial Support

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Chief Information Technology Officer
Utah Administrative Office of the Courts
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Role of Technology

- The role of technology is to support the business practices of the courts
- Evaluate new technology and assess its use or impact on court processes
- Recognize the increasing demand for court information from exchange partners
- Make our court systems "run smarter"

STAGES OF COURT AUTOMATION

- **Manual**: Rely on external and internal generated paper documents. Paper is retained as the court record.
- **Functional**: Automated existing desk functions. The system mimics the organizational structure, but retains the functional characteristics of the manual process.
- **Integrated**: Exchanges information between the court and external systems. Serves as the official court docket. May produce paper of demand. Remains self-contained.
- **Innovative**: The court's business rules are fully integrated into the technology. Exchange partners are fully integrated within the court's business rules.

COURT WORKFLOW

File Case

Service And Return

Answer

Discovery

Ready For Trial

Trial

Hearing

Decision

Post Judgment

Appeal

CASE FLOW

COURT WORKFLOW

| File Case | Receive Document | Record Basic Information | Prepare Case Financials | Issue Document | Set up Case File | Schedule Future Action |

Service And Return

Answer

Discovery

Ready For Trial

Trial

Hearing

Decision

Post Judgment

Appeal

CASE FLOW

COURT WORKFLOW

| File Case | Receive Document | Record Basic Information | Prepare Case Financials | Issue Document | Set up Case File | Schedule Future Action |

| Service And Return | Record Return | Record Financial Information | Schedule Future Action |

Answer

Discovery

Ready For Trial

Trial

Hearing

Decision

Post Judgment

Appeal

CASE FLOW

Court Workflow

File Case	Receive Document	Record Basic Information	Prepare Case Financials	Issue Document	Set up Case File	Schedule Future Action
Service And Return	Record Return	Record Financial Information	Schedule Future Action			
Answer	Record Document	Schedule Future Action				CASE FLOW
Discovery	Record Document	Record Financial Information	Schedule Hearing	Issue Document		
Ready For Trial	Receive Directive					
Trial	Schedule Trial	Issue Trial Notice	Issue Subpoena	Record Financial Information	Prepare For Trial	Record Trial Information	Prepare Case Financials
Hearing	Schedule Trial	Send Notice	Issue Subpoena	Record Financial Information	Prepare Case Financials	Record Trial Information	Prepare For Trial
Decision	Record Decision	Send Notice	Prepare Case Financials	Close Case		
Post Judgment	Record Document	Issue Document	Create Report	Schedule Hearing	Send Notice	Track Post Judgment	Record Financial Information
Appeal	Record Document	Prepare Case Financials	Prepare Case File	Receive Appeal	Prepare Mandate	Record Mandate

Workflow of the courts…

Events…

- Trigger actions…
- That trigger future events…
- That are placed in internal or external work queues…
- Where an action will trigger other events…
- That are monitored as pending or overdue…

• To allow the court to better manage cases

Case Management

- Reduce the cost of litigation through the management of . . . ..
  - Time
  - Events
  - Resources
  - People

Outcomes

Measure what you want to control

- **Activity** – filings/events/dispositions
- **Inventory** – cases from all systems
- **Progression** – standards for events
- **Delay** – age of pending cases/actions
- **Scheduling accuracy** – changes to scheduled events

What stage is your court?

Answer the following question:

- Who is the client of my current system?
  - **The clerk?**
  - **The judge?**
  - **The court community?**

Innovative System Assumptions

An innovative court information technology system must:
- **Be fully integrated with court business processes**
- **Be fully integrated with internal and external computing systems**
- **Incorporate the requirements of external users**
- **Reduce the necessity for paper transactions**

The goal is to make court systems work "smarter"
- **By better managing case records**
- **By expanding access to all court case records**
- **By integration with external systems and stakeholders**
- **By creating external views of court records based on stakeholder roles**

Innovative Court Features

- Incorporates the workflow of the courts through re-engineering
- Incorporates electronic filing, electronic service, and electronic notices into the business process
- Captures information from outside sources
- Allows parties to interact with other parties to a case, without relying on the court clerks for that interaction
- Creates an electronic court record
- Creates a court record on demand
- Provides <u>certified</u> document retrieval on demand
- Monitors the progress of the case

Electronic Court System

- What it is not….
  - It is not scanning
  - It is not storing document images
  - It is not eliminating paper
  - It is not for the convenience of attorneys
  - It is not a change in court procedures
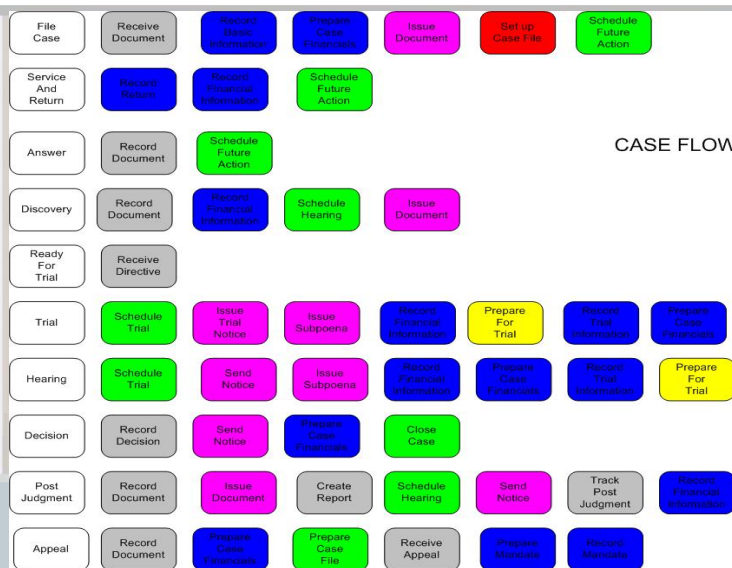- If it is not these things, what is it?

Electronic Court System

It is….

– All of the things I said it wasn't…

AND

– It is a <u>fundamental</u> change in the way that courts do business

---

Court Workflow

An Innovative Court -

In this model:

- Information flows from those who have it to those who need it
- The computing systems import and export the information necessary to perform a duty
- The client is not court staff
- The client is the outcome

The role of the court employee shifts:

- Away from data entry and event recording
- To quality control
  - Data quality
  - Case progression
  - Judicial decisions

Judicial Support Implications

The Millennials are coming --

Technology's challenge is to develop computing systems for the next generation of workers

- Technology should be seamless
- Information should be available anytime, anywhere
- Content should inform and entertain
- The distinction between work and personal time is blurred
- Content should be delivered in any format on any platform
- Information should be presented in a manner of the consumer's choosing

Increasing Pro-Se Services

- In 2006, the National Center for State Courts recognized that courts throughout the country are responding to self-represented litigants with more services and innovations (Zorza).
- These services include additional training for court employees and judges, electronic document-assembly services, and education clinics for the self-represented.
- The increased services offered to self-represented litigants demonstrates a changing judicial and management view of pro-se parties.

Pro-Se Litigants in Utah

- The Utah Judicial Council created a Standing Committee on Resources for Self-Represented Parties in June of 2005.
- The Standing Committee has reviewed services provided to self-represented parties in Utah and programs in other states in order to develop a comprehensive strategic plan.
- A self-help support pilot program sponsored by the court has also begun in 2 districts. An experienced attorney provides a broad range of information and assistance to self-represented parties, but does not provide legal advice or representation.

Pro-Se Litigants in Utah

- Utah statistics demonstrate the huge growth in parties that appear in courts without lawyers

Case Types	% with 2 Attorneys	% with 1 Attorney	% with 0 Attorneys
Divorce	17%	36%	47%
Protective Orders	13%	33%	47%
Stalking	7%	17%	76%
Evictions	3%	79%	19%
Small Claims	0%	2%	98%
Guardianship	1%	41%	58%

Pro-Se Impact on Clerical Staff

- The increasing number of pro-se litigants puts an additional strain on already busy clerk's offices because of the amount of services they require.
- Ongoing training is required for clerks to understand what help they can and cannot offer self-represented parties.
- Because self-represented litigants are trying to understand difficult court procedures, the time and energy required of clerical staff is also more emotionally draining and stressful than many of their other tasks.
- The Utah self-represented party survey showed that litigants rated the clerk's services very high because of the additional help they provided.

WORKFORCE TRENDS

General Trends

- The labor force is projected to increase, but to a lesser extent than the previous decades.
- The workforce has trended upwards in terms of its older participants.
- Public sector employees have a larger tenure median than their private sector counterparts.

WORKFORCE TRENDS

Projections for Clerical Occupations

- Employment growth and high replacement needs is expected to result in numerous job openings for general office clerks through 2016.
- Specialty clerks, such as file clerks, are projected to face a rapid decline in growth as more organization begin to favor generalist clerks.

WORKFORCE TRENDS

Projections for Needed Training

- Nearly 66% of the occupations that are projected to have the largest job growth will require short or moderate on-the-job training as the most significant source of postsecondary education.
- On the job training and work experience is the most significant source of training for 80% of the occupation projected to have the most total job openings.

WORKFORCE TRENDS

Trends of Education Attainment

The proportion of 25-64 year old workers with some college (or an associates degree) more than doubled between 1970 and 2006. The share with a bachelor's degree and higher also more than doubled over that period. In contrast, the share of the labor force with less than a high school diploma declined markedly.

WORKFORCE TRENDS

So what?

- The reorganization should cultivate generalist office support employees, teams, and structures.
- The reorganization should have a dynamic strategy for internal training and development of employees.
- The reorganization should provide growth opportunities for those with college degrees and produce an environment that attracts those who are interested in gaining experience while earning a four year degree.

PREPARING FOR A NEW AND DESIRED FUTURE
PLANS AND RECOMMENDATIONS IN UTAH

TARGETED ELEMENTS IN REDESIGN

- Maximizing on technological advancements to court processes
- Produce an environment of improved professional growth and satisfaction
- Improving the organization's capacity to respond to turnover and absenteeism
- Preparing the organization for projected attrition and to properly attract the workforce of the future
- A model for training that promotes desired goals

TECHNOLOGICAL INNOVATIONS

Direction of Technological

Advancements in the

Utah State Court System

Mission Statement

The mission of the Utah Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law

Strategic Objectives

- Capture information once, and make that information available to those who need it
- Provide access to the information now stored on court computing systems
- Promote the equal treatment of all litigants
- Promote timely disposition of cases consistent with the circumstances of the individual case
- Enhance the quality of the litigation process
- Promote the public's confidence in the court as an institution
- Reduce the cost of litigation

TRADITIONAL SYSTEMS VIEW
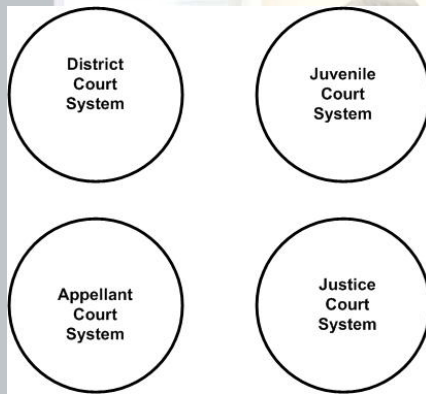
- AOC applications are designed from the court's internal view of business requirements
- Each system "stands alone"
- Automation was applied to traditional court processes
- **The future of Utah's court systems is based on improved interaction with its filing partners**

REVISED CORE SYSTEM VIEW
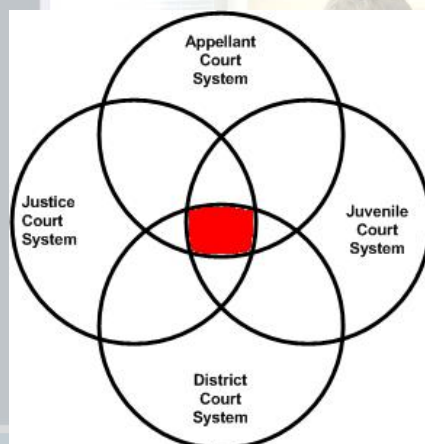
- Each court system is unique within its sphere of influence
- Each court system shares common features
- Each court system must interact with the other
- All court systems must interact with external public and private systems

DATA INTEGRITY STRATEGY
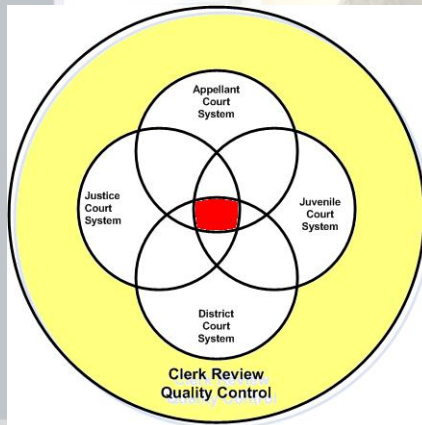
- Systems integration relies on interaction with internal and external systems
- Emphasis shifts from data entry to data quality

DEVELOPMENT STRATEGY
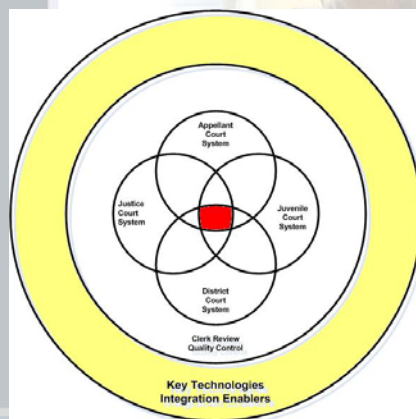
- Implement key technologies to facilitate information exchange
  - Records Management
  - Document Management
  - Payment Management

INTEGRATION ENABLERS

- Electronic Payments
- Document / Case Management System
- Systems Interface Manager
- Case Index Manager
- Electronic Notice
- Electronic Service
- Query Management
- Comprehensive Electronic Case Record
- Electronic Court Filing 4.0 (ECF 4.0)

INTEGRATION STRATEGY
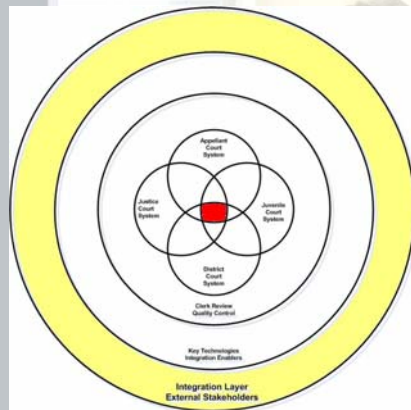
Establish environment to facilitate information exchanges

Using:
- **Electronic Filing**
- **Electronic Notice**
- **Electronic Payments**
- **Electronic Case Record**
- **Standard Queries/Responses**

Apply to:
- **Civil Filings**
- **Criminal Filings**
- **Juvenile Filings**
- **Appellate Filings**

Utah Administrative Office of the Courts
Integrated Services

UTAH SYSTEMS ARCHITECTURE
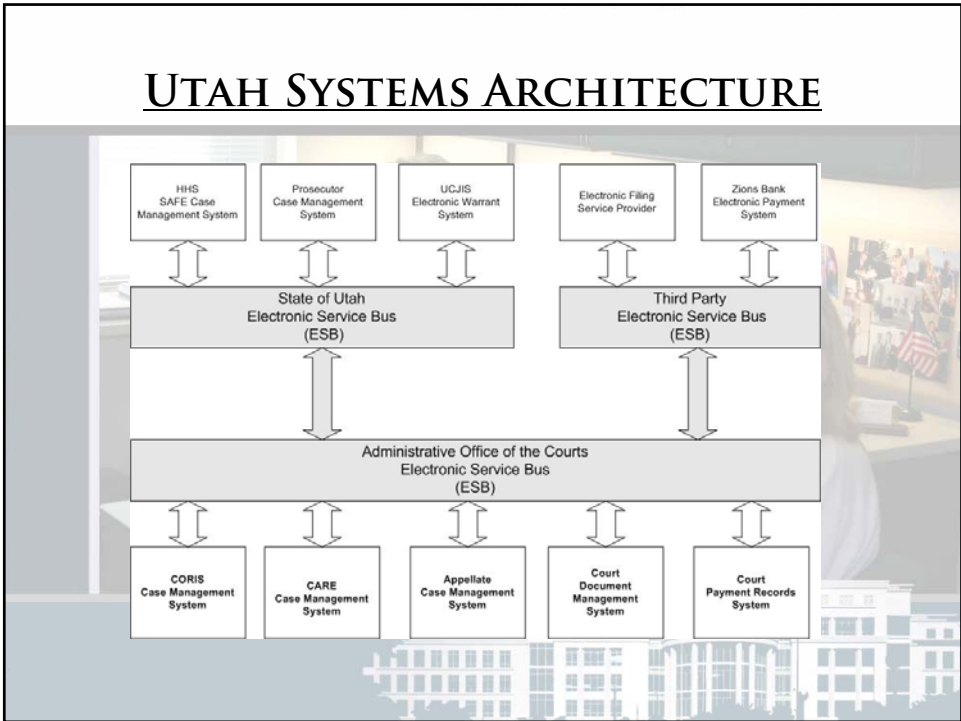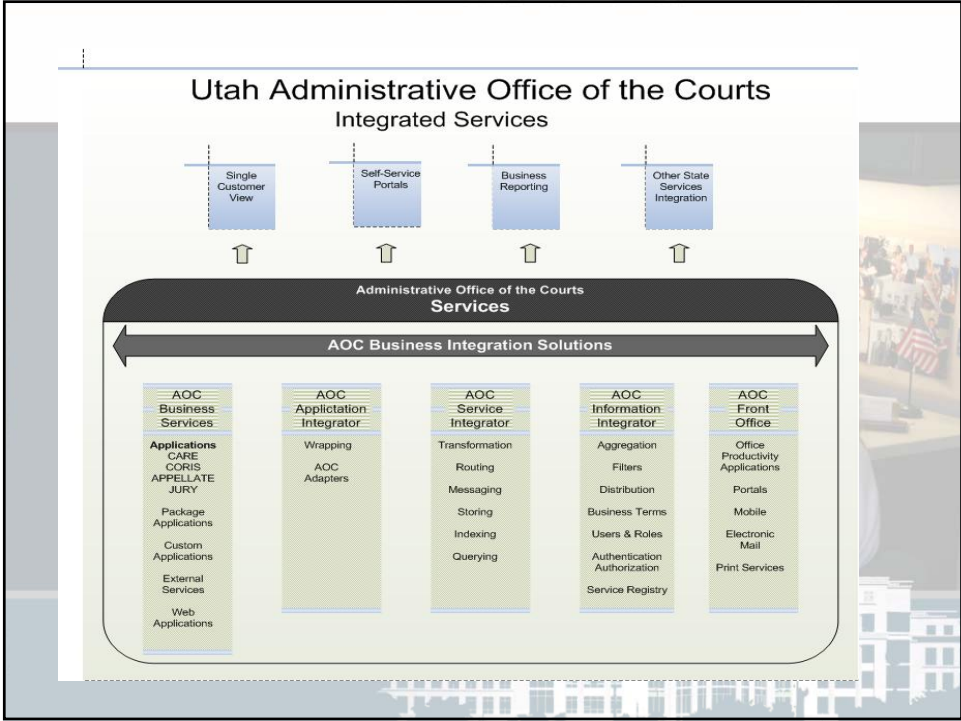
Utah Examples:

- Electronic warrant: affidavit and warrant document creation, submission, review, and issuance
- Juvenile court and child protective services systems integration
- Electronic filing, electronic notice and service
- Digital document signatures and certification/validation
- Document storage and retrieval
- Document self-certification
- Electronic case record on demand

Systems Integration Services

- Electronic filing
- Citation eFiling
- Prosecutor civil and criminal eFiling and notification
- Vehicle/driver record validation with DMV
- Disposition reporting to criminal and driver record repositories
- Electronic payment system for all monies owed
- Court document signature and issuance
- Document digital certification
- Document self-certification

Technological Innovations

Questions?

Comments?

www.utcourts.gov

Reinventing Clerical Operations

1. Reorganize clerical operations into judicial and case support teams.

2. Create positions that are fully cross-trained and are generalist in nature.

3. Implement a new professional development track that offers improved incentive/opportunity for employees.

ORGANIZE BY TWO FUNCTIONS

1. Reorganize clerical operations into judicial and case support teams.

It is recommended that judicial office support be organized according to two functions:

- Pre-case services: All duties and tasks performed prior to the assignment of a case number.
- Caseflow management: Coordinate all case-related matters including court hearing, through conclusion of the case.

PRE-CASE SERVICES

Judicial Services Teams will handle all work done prior to a case being assigned to a Judicial Support Team.

Judicial Services

Such as:

- Accepting/rejecting e-filed cases

- Case filing

- Fee receipting

- Scanning

- Customer service/self-represented

- Etc.

Caseflow Management

Judicial Support Teams will be assigned to each judge. Once a case is assigned to a Judicial Support Team, they will coordinate all case-related matters in a caseflow management process.

Judicial Support)

Caseflow Management

For the purposes of this structure, caseflow management is defined as "the entire set of actions a court takes to monitor and control the progress of cases, from initiation through trial or other initial disposition, to the completion of all postdisposition court work, in order to make sure that justice is done promptly."

(David C. Steelman, "Improving Caseflow Management: A Brief Guide," National Center for State Courts, Feb. 2008)

Caseflow Management

Specialty Court Teams will provide caseflow management services for cases that are not tied to a specific judge, such as small claims cases.

Judicial Services — Judicial Support → **Specialty Court Operations**

Recommended Structure

Pre-Case Services   **Caseflow Management**

Judicial Services   *Judicial Support*   *Specialty Court Operations*

NEW POSITIONS

2. Cross-train staff to create generalist positions that increase organizational efficiency.

- Each position is expected to be fully cross-trained in all duties, processes, and competencies required within the scope of that given team.

- Teams of cross-trained generalists will increase organizational flexibility, improve the quality of service, and offer a better environment for employees.

PRE-CASE SERVICES POSITIONS

Positions of Judicial Services Teams

Judicial Services Representative: This is the entry level position performing all pre-case related duties.

Judicial Services Manager: This is the supervisory position of the Judicial Services Team. These employees will be responsible for all pre-case duties and management work.

PRE-CASE SERVICES TEAMS

Judicial Services Teams will consist of a Judicial Services Manager and Judicial Services Representatives.

Judicial Services
Judicial Services Manager
Judicial Services Representatives

CASEFLOW MANAGEMENT POSITIONS

Positions of Judicial Support Teams

Judicial Assistant: These employees perform all in-court duties (attending hearings, recording exhibits, jury management, preparing/distributing orders, etc.).

Judicial Case Manager: This employee will be responsible to coordinate and be involved with all caseflow management duties. This is the supervisory position of the Judicial Support Teams and will manage the work of Judicial Assistants.

CASEFLOW MANAGEMENT TEAMS

A typical Judicial Support Team will consist of one Judicial Case Manager and two Judicial Assistants. However, there may be some variation in the size and composition of Judicial Support Teams.

Judicial Support
Judicial Case Manager
Judicial Assistants (2)

CASEFLOW MANAGEMENT TEAMS

Specialty Court Teams will be structured similar to Judicial Support Teams.

Specialty Court Operations
Judicial Case Manager
Judicial Assistants (2)

Administrative Positions

Judicial Team Manager

All teams will report to a *Judicial Team Manager*, a mid-level administrative position which will accept responsibility for an unidentified number of Judicial Services, Judicial Support, and Specialty Court Teams.

There will be no modification to the title or statutory responsibilities of the *Clerk of Court*.

Recommended Positions

Judicial Team Manager

Judicial Services	*Judicial Support*	*Specialty Court Operations*
Judicial Services Manager	Judicial Case Manager	Judicial Case Manager
Judicial Services Representatives	Judicial Assistants (2)	Judicial Assistants (2)

Recommendations

3. Implement a new professional development program that offers greater opportunity, improved incentive, and competency growth.

- The proposed career track focuses on competency growth (instead of tenure), prepares employees for increased opportunity, and offers more incentives which are evenly distributed through tenure.
- It encourages self-direction via three tiered career tracks for positions without management responsibility.

Judicial Team Manager

Judicial Case Manager

Judicial Case Manager

Judicial Assistant 3

Judicial Assistant 3

Judicial Services Manager

Judicial Assistant 2

Judicial Assistant 2

Judicial Assistant 1

Judicial Assistant 1

Judicial Services Representative 3

Third level: Further growth

Second level: Fully cross-trained in team functions

First level: Entry level work

Judicial Services Representative 2

Judicial Services Representative 1

Judicial Team Manager

Judicial Case Manager

Judicial Case Manager

Judicial Assistant 3

Judicial Assistant 3

Judicial Services Manager

Judicial Assistant 2

Judicial Assistant 2

Judicial Assistant 1

Judicial Assistant 1

Judicial Services Representative 3

Three tiered career tracks will not be implemented for management positions.

Judicial Services Representative 2

Judicial Services Representative 1

Judicial Team Manager

Judicial Case Manager | Judicial Case Manager

Judicial Assistant 3 | Judicial Assistant 3

Judicial Services Manager | Judicial Assistant 2 | Judicial Assistant 2

Judicial Assistant 1 | Judicial Assistant 1

Judicial Services Representative 3

This is the entry level position to judicial office support operations.

Judicial Services Representative 2

Judicial Services Representative 1

Judicial Team Manager

Judicial Case Manager | Judicial Case Manager

Judicial Assistant 3 | Judicial Assistant 3

Judicial Services Manager | Judicial Assistant 2 | Judicial Assistant 2

Judicial Assistant 1 | Judicial Assistant 1

Judicial Services Representative 3

To achieve a level 2 Judicial Services Representative, an employee must be fully-cross trained in all team functions (ideally the conclusion of probation).

Judicial Services Representative 2

Judicial Services Representative 1

Judicial Team Manager

Judicial Case Manager — Judicial Case Manager

Judicial Assistant 3 — Judicial Assistant 3

Judicial Services Manager — Judicial Assistant 2 — Judicial Assistant 2

Judicial Assistant 1 — Judicial Assistant 1

Judicial Services Representative 3

In order to achieve a level 3 Judicial Services Representative, an employee must be fully trained for entry level work as a Judicial Assistant.

Judicial Services Representative 2

Judicial Services Representative 1

Judicial Team Manager

Judicial Case Manager — Judicial Case Manager

Judicial Assistant 3 — Judicial Assistant 3

Judicial Services Manager — Judicial Assistant 2 — Judicial Assistant 2

Judicial Assistant 1 — Judicial Assistant 1

Judicial Services Representative 3

Achieving a level 3 Judicial Services Rep. also prepares staff to meet the qualifications of a Judicial Services Manager (minimum JSR 3).

Judicial Services Representative 2

Judicial Services Representative 1

Thus, the proposed career track creates more opportunity for those in entry level teams to grow in the team and increases options in the system.

A Judicial Assistant 1 is the entry level for in-court work.

A level 2 Judicial Assistant is fully cross-trained in all duties of the caseflow management team.

Achieving a level 2 Judicial Assistant means that the employee is qualified to work as a Judicial Case Manager (minimum JA2).

Slide 1

Judicial Team Manager

Judicial Case Manager | Judicial Case Manager

Judicial Assistant 3 | Judicial Assistant 3

Judicial Services Manager | Judicial Assistant 2 | Judicial Assistant 2

Judicial Assistant 1 | Judicial Assistant 1

Judicial Services Representative 3

Judicial Services Representative 2

Judicial Services Representative 1

To achieve a level 3 Judicial Assistant, an employee must complete either a four year college degree or a major project (yet to be defined).

Slide 2

Judicial Team Manager

Judicial Case Manager | Judicial Case Manager

Judicial Assistant 3 | Judicial Assistant 3

Judicial Services Manager | Judicial Assistant 2 | Judicial Assistant 2

Judicial Assistant 1 | Judicial Assistant 1

Judicial Services Representative 3

Judicial Services Representative 2

Judicial Services Representative 1

Earning a college degree prepares the employee for additional roles in the organization that are not directly tied to the professional development track.

Judicial Team Manager

Judicial Case Manager — Judicial Case Manager

Judicial Assistant 3 — Judicial Assistant 3

Judicial Services Manager — Judicial Assistant 2 — Judicial Assistant 2

Judicial Assistant 1 — Judicial Assistant 1

Judicial Services Representative 3

Judicial Services Representative 2

Judicial Services Representative 1

A college degree is not required for advancement in most of the system

A college degree is optional for JA3

A college degree is required for JTM

Judicial Team Manager

Judicial Case Manager — Judicial Case Manager

Judicial Assistant 3 — Judicial Assistant 3

Judicial Services Manager — Judicial Assistant 2 — Judicial Assistant 2

Judicial Assistant 1 — Judicial Assistant 1

Judicial Services Representative 3

Judicial Services Representative 2

Judicial Services Representative 1

Once again, the professional development track offers greater self-direction, professional growth, and increased opportunity.
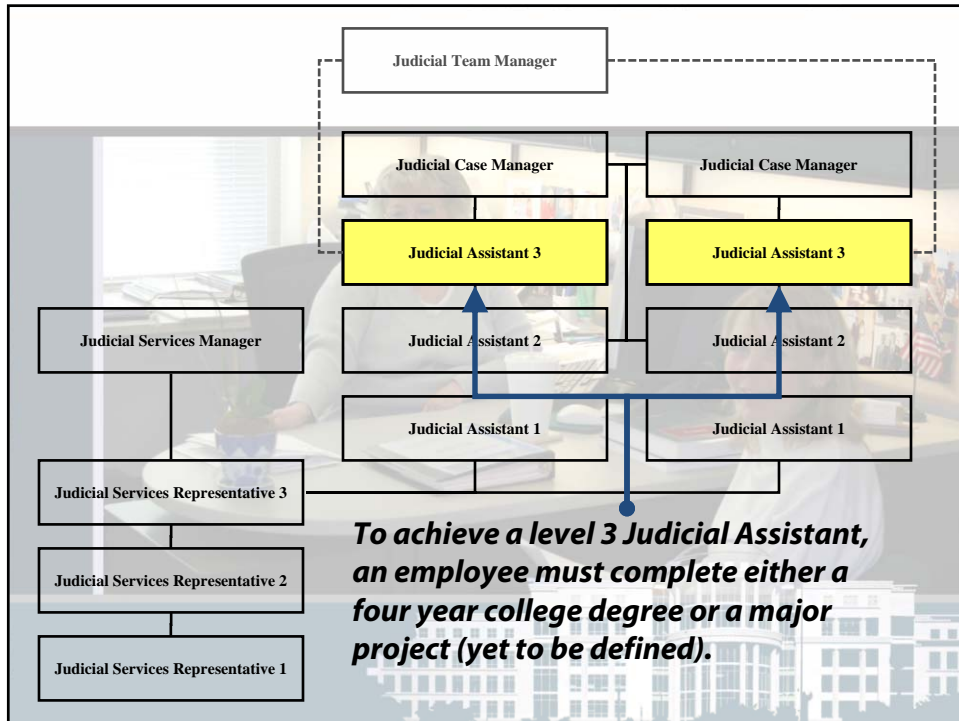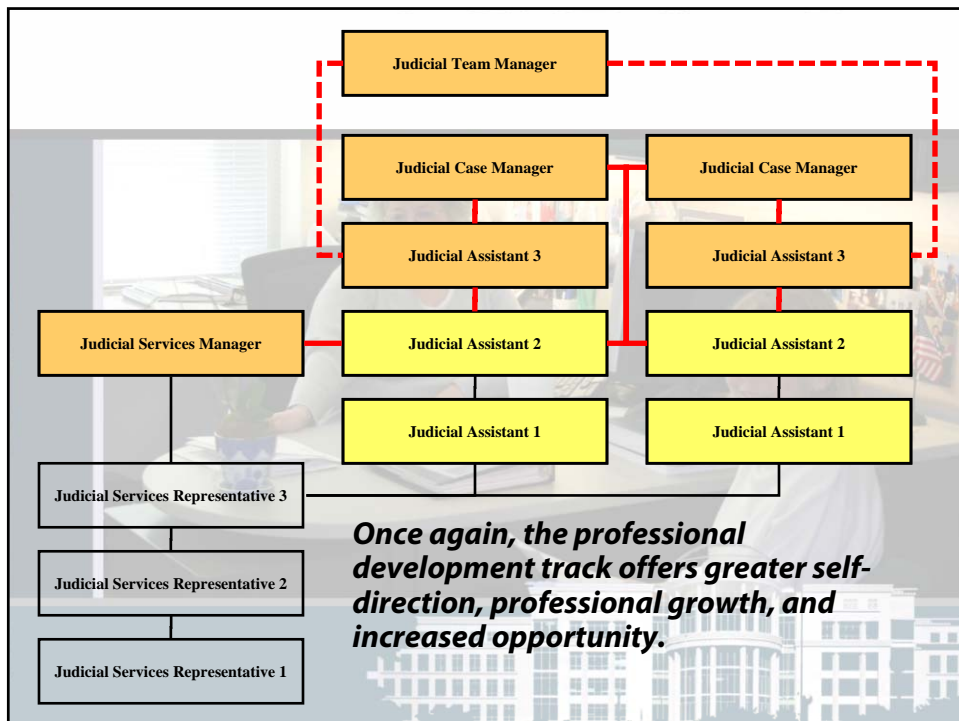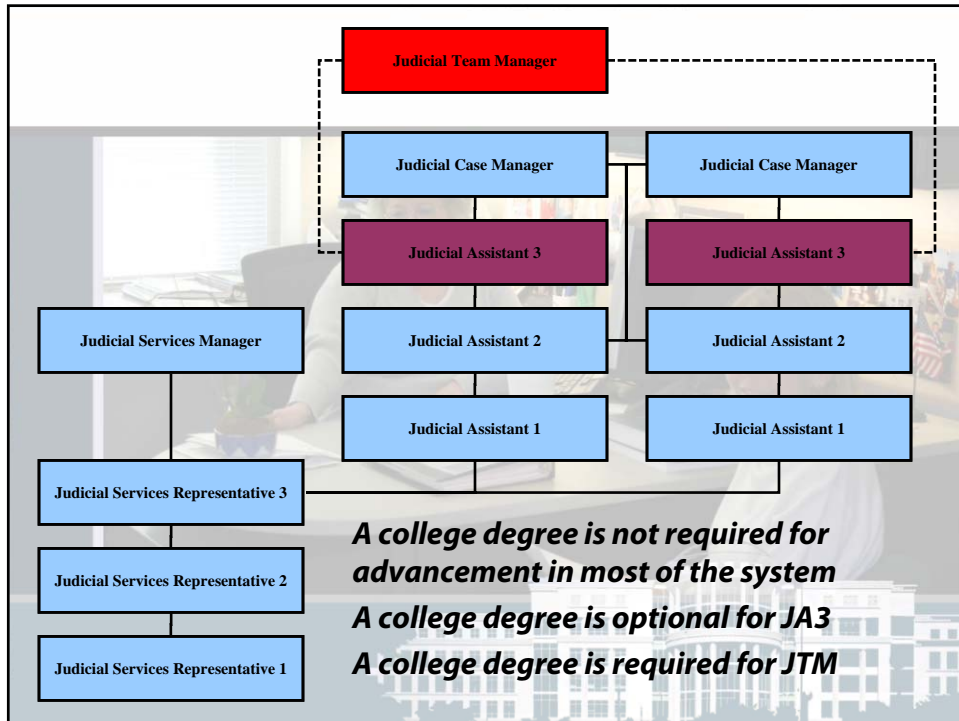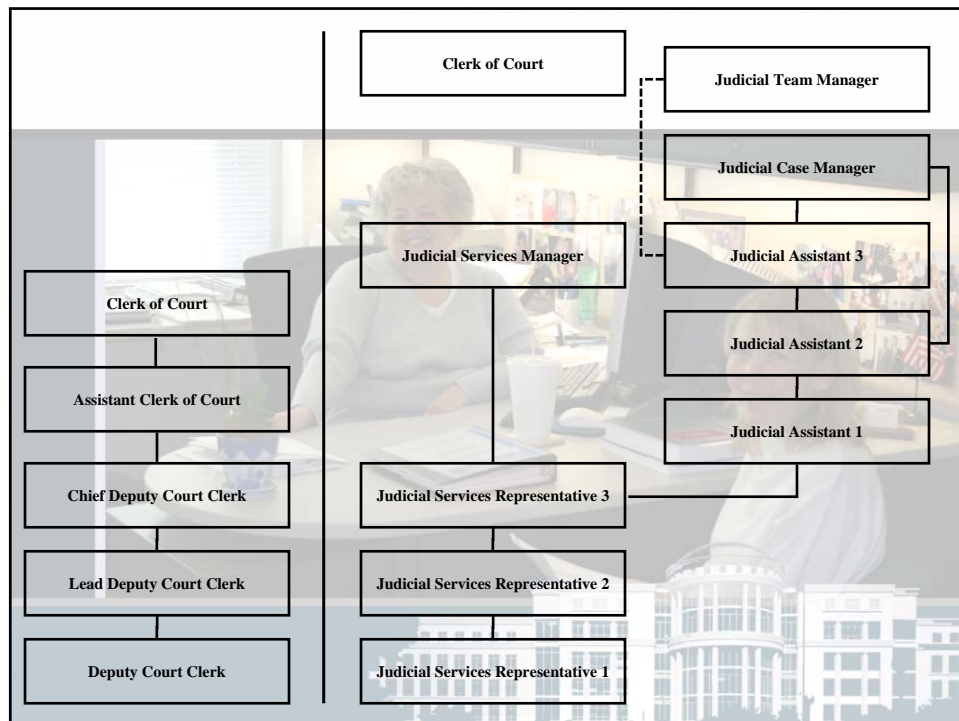
NEED FOR DYNAMIC TRAINING

Projected organizational benefits enable new and dynamic approaches to developing the workforce:

- New approach to new employee orientation

- Suggested increase of training coordinators

- Training to facilitate competency growth in tracks

- Model to respond to wide array of operational adjustments

Clerk of Court	Judicial Team Manager

	Judicial Case Manager

Judicial Services Manager	Judicial Assistant 3

Clerk of Court		Judicial Assistant 2

Assistant Clerk of Court		Judicial Assistant 1

Chief Deputy Court Clerk	Judicial Services Representative 3

Lead Deputy Court Clerk	Judicial Services Representative 2

Deputy Court Clerk	Judicial Services Representative 1

Targeted Outcomes

A structure better prepared for the future.

- The adjustments better align the organization of judicial support operations with the projected trends of clerical work becoming a more dynamic, generalized, interpersonal type of work.

- Operations that are organized to maximize on the implementation of technology and what that means for the people who perform the work.

- An organization that rewards educational attainment and effectively puts to use analytical and professional competencies garnered from higher education.

Targeted Outcomes

A better environment for employees.

- A broadening of professional opportunity and self-directed growth efforts
- Generalist teams that enable progressive practices that benefit both the organization and its people:
  - Cross-trained teams of interchangeable parts Increase scheduling flexibility, which should improve team performance during times of turnover/attrition/absenteeism
  - New approaches to employee training
  - Scheduling flexibility to aid those interested in higher education or reasonable work/life balance accommodation

Targeted Outcomes

A more efficient service to the public.

- Judicial Support Teams increase continuity between judges and team members
- Teams of generalists will improve data quality, records management, and increase consistency because cross-trained employees understand how all processes work together
- Competency-driven professional development prepares all employees to assume greater responsibility and promotes effective internal succession planning at all levels

Comprehensive Clerical Committee
Questions and Answers

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